



# OFFICE OF THE CITY CLERK    CITY OF BINGHAMTON

*William Berg, City Council President*

*Jeremy Pelletier, City Clerk*

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## BOARD OF ESTIMATE AND APPORTIONMENT

### MEETING MINUTES

DPW Conference Room, 3<sup>rd</sup> Floor City Hall

Wednesday January 14, 2015

**Call to Order.** Called to order at 11:10am by Richard C. David, Mayor

**Board Members Present:** Richard C. David, Mayor; Chuck Shager, Comptroller; Gary Holmes, Commissioner of Public Works; Kenneth J. Frank, Corporation Counsel

**Board Members Absent:** None

**Also Present:** Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

### ITEMS CONSIDERED

**Permanent Easement for Portion of 70-72 Court Street.** Request to enter into an agreement for a permanent easement for a portion of 72 Court Street, submitted by 33 State Street Associates. Alan Pope, Andrew Urso and Larry Pasquale attended the meeting held January 15, 2014 to discuss the proposal. The Board reviewed this matter, and concluded that any agreement should be limited to the space required for a stairway, but should not include space for a patio. The Board of Contract and Supply approved a Request for Sealed Bids for 70-72 Court Street at a meeting held on February 12, 2014. Such Request for Sealed Bids includes a restriction stating that the sale would be subject to a permanent easement for pedestrian ingress and egress from a basement stairwell at 92 State Street, but that construction above the stairwell would be permitted. Kenneth J. Frank to discuss the details of the permanent easement with Mr. Pope. Kenneth J. Frank sent a letter to Mr. Pope requesting a better description of the distances of the proposed easements. No update, waiting on a response from Mr. Pope.

**Water Street – Public Right of Way.** Offer to purchase Water Street-Public Right of Way (L74 Pg. 356) for \$5,200, submitted by Ellis Brothers and Joseph Inc. on July 14, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on July 16, 2014. Scott Snyder responded on 7/16/2014 stating that he had no objection to the sale of the property. Bob Murphy responded on October 27, 2014 stating that assuming the OTP meets Scott Snyder's okay and last I heard the neighboring property owners were supportive – I have no objection. Tom Costello responded on 11/10/14 stating that he was in favor of the sale of the property but not the proposed use of the property. Jennie Skeadas-Sherry responded on 11/10/2014 stating that she does not have any problem with the purchase. Kenneth Frank will look into easements and rights of way for adjacent property owners. Kenneth J. Frank to meet with Gary Holmes, Robert Murphy and Jennie Skeadas-Sherry to review maps to ensure that of property owners has access to their buildings. Letter regarding easements and rights of way were drafted and will be sent to the attorney representing Ellis Brothers and Joseph Inc. Kenneth J. Frank will send a letter to the company's attorney regarding the easements for the adjacent property owners. A letter will also be sent to the property owner of the garage to ensure it is abandoned. No update, waiting on a response from attorney.

### NEW BUSINESS

**Approval of Minutes.** Request to approve the minutes from the Board of Estimate and Apportionment meeting held on December 23, 2014.

Motion to approve minutes from December 23, 2014.



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Moved by Shager, seconded by Holmes.

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

**Executive Session.** Motion to enter into executive session to discuss litigation at 11:13am

Moved by Shager, seconded by Holmes

**Voice vote, none opposed.**

**Reconvene.** Called to order at 11:32am by Richard C. David, Mayor

**Board Members Present:** Richard C. David, Mayor; Chuck Shager, Comptroller; Gary Holmes, Commissioner of Public Works; Kenneth J. Frank, Corporation Counsel

**Board Members Absent:** None

**Also Present:** Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

Motion authorizing Corporation Counsel to settle litigation regarding Buckingham Manufacturing as discussed in Executive Session.

Moved by Frank, seconded by Holmes

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

Motion authorizing Corporation Counsel to offer settlement regarding Cooper v. Binghamton as discussed in Executive Session.

Moved by Frank, seconded by Shager

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

**Budget Transfer.** Request to transfer \$55,000 from budget line M9040.54901 (Workers Comp Claims) to budget line M1910.54430 (Legal Services); transfer \$33,000 from budget line M1910.54900 (Provision for Incurred Loss) to budget line M1910.54430 (Legal Services); transfer \$9,000 from budget line M1910.54754 (Emergency Safety/Repair) to budget line M1910.54430 (Legal Services). Submitted by Kenneth J. Frank, Corporation Counsel.

Motion to approve budget transfers.

Moved by Holmes, seconded by Shager

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None



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**Offer to Purchase 249 Court Street.** Offer to purchase 249 Court Street for \$50,000 submitted by Park Outdoor Advertising of New York Inc. on September 2, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on September 2, 2014. Scott Snyder responded on September 10, 2014 stating that he had no objection to the sale of the property. On September 26, 2014 Kenneth J. Frank stated that the property is currently leased by Park Outdoor Advertising of New York Inc. until September 2015. As of January 12, 2015 no recommendations have been received from the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development.

Motion to approve the sale of 249 Court Street with the condition that the company must maintain the number and size of the current billboards they have on the property.

Moved by Shager, seconded by Holmes

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

**Offer to Purchase 488 and 490 Chenango Street.** Offer to Purchase 488 and 490 Chenango Street for \$800.00, submitted by Susan Goodwin on September 8, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on September 8, 2014. Scott Snyder responded on September 10, 2014 stating that these parcels currently have structures on them. Scott said he can't approve the offer without knowing what the City has in mind for these properties. Scott Snyder responded on December 22, 2014 stating that with the demolition of the structures on these two parcels he has no objection to the sale providing that the parcels are combined with the buyers adjoining parcel. Tom Costello responded on December 22, 2014 stating that he does not think sale of this property would be prudent absent further study by the office of Economic Development, with specific focus on development opportunities for these parcels. They are located on a primary arterial route with significant commercial potential.

Motion to reject the sale of this property to Susan Goodwin.

Moved by Shager, seconded by Holmes

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

**Offer to Purchase 66 Decatur Street.** Offer to Purchase 66 Decatur Street for \$500.00, submitted by John Greene on October 28, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on October 29, 2014. Scott Snyder responded on October 29, 2014 stating he has no objection to the sale. He suggested that a requirement for this property would be to remain forever green. Tom Costello responded on October 29, 2014 that he supports the sale of the property and agreed with Scott that it should remain forever green. The Board of E&A decided to invite Jennie Skeadas-Sherry to the next meeting to provide a recommendation on the sale of this property.

**Offer to Purchase 20 Tudor Street.** Offer to Purchase 20 Tudor Street for \$50.00, submitted by Volunteer Improving Neighborhood Environments on October 28, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on October 29, 2014. Scott Snyder responded on October 29, 2014 stating that he has no objection to the



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sale of the property. Tom Costello responded on October 29, 2014 stating that he supports the sale of the property because it is consistent with strategic planning and hazard mitigation. The City may want to impose a deed restriction on future development to minimize the prospect that a flood vulnerable structure could or would ever be erected on the site.

Motion to reject the sale with the intent to extend the lease agreement for 2 years with VINES.

Moved by Holmes, seconded by Shager

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

**Offer to Purchase 16 Tudor Street.** Offer to Purchase 16 Tudor Street for \$50.00, submitted by Volunteer Improving Neighborhood Environments on October 28, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on October 29, 2014. Scott Snyder responded on October 29, 2014 stating that he has no objection to the sale of the property. Tom Costello responded on October 29, 2014 stating that he supports the sale of the property because it is consistent with strategic planning and hazard mitigation. The City may want to impose a deed restriction on future development to minimize the prospect that a flood vulnerable structure could or would ever be erected on the site.

Motion to reject the sale with the intent to extend the lease agreement for 2 years with VINES.

Moved by Holmes, seconded by Shager

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

**Offer to Purchase 11 Varick Street.** Offer to Purchase 11 Varick Street for \$50.00, submitted by Volunteer Improving Neighborhood Environments on October 28, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on October 29, 2014. Scott Snyder responded on October 29, 2014 stating that he has no objection to the sale of the property. Tom Costello responded on October 29, 2014 stating that he supports the sale of the property because it is consistent with strategic planning and hazard mitigation. The City may want to impose a deed restriction on future development to minimize the prospect that a flood vulnerable structure could or would ever be erected on the site.

Motion to reject the sale with the intent to extend the lease agreement for 2 years with VINES.

Moved by Holmes, seconded by Shager

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

**Offer to Purchase 13 Varick Street.** Offer to Purchase 13 Varick Street for \$25.00, submitted by Volunteer Improving Neighborhood Environments on October 28, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on October 29, 2014. Scott Snyder responded on October 29, 2014 stating that he has no objection to the



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sale of the property. Tom Costello responded on October 29, 2014 stating that he supports the sale of the property because it is consistent with strategic planning and hazard mitigation. The City may want to impose a deed restriction on future development to minimize the prospect that a flood vulnerable structure could or would ever be erected on the site.

Motion to reject the sale with the intent to extend the lease agreement for 2 years with VINES.

Moved by Holmes, seconded by Shager

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

**Offer to Purchase 9 Varick Street.** Offer to Purchase 9 Varick Street for \$50.00, submitted by Volunteer Improving Neighborhood Environments on October 28, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on October 29, 2014. Scott Snyder responded on October 29, 2014 stating that he has no objection to the sale of the property. Tom Costello responded on October 29, 2014 stating that he supports the sale of the property because it is consistent with strategic planning and hazard mitigation. The City may want to impose a deed restriction on future development to minimize the prospect that a flood vulnerable structure could or would ever be erected on the site.

Motion to reject the sale with the intent to extend the lease agreement for 2 years with VINES.

Moved by Holmes, seconded by Shager

**Motion carried. (Vote 4-0)**

Ayes: Holmes, Shager, Frank, David

Nays: None

Absent: None

**Donation of 5 Williams Place.** Americo DiCamillo Jr. submitted a letter expressing a desire to donate 5 Williams Place to the City of Binghamton on November 14 and December 18, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on November 14 and December 18, 2014. Tom Costello responded on December 18, 2014 stating our knowledge of the property is based on a case investigation during which the current property owner was cited for deficiencies in the accessory structure (barn/shed) which is located on the referenced property. The current owner inherited the property and would like to divest by gifting the property to the City. In the event that the City took control of the property, it would probably be necessary to demolish or repair the structure. The estimated cost of that work has not been determined. The parcel is located on a street that ends in a cul-de-sac. It is conceivable that a neighboring property might want to acquire the property, if the structure were in serviceable condition or if it were removed. Tom Costello further stated on December 18, 2014 the current property owner was cited for code deficiencies related to the existing auxiliary structure, which is located on the referenced parcel. The structure must be repaired or removed to achieve compliance with Property Maintenance code requirements. The current owner inherited the property and would like to divest. The parcel is located at the eastern end of the city, within a few hundred feet of the Town of Conklin municipal boundary. It is on street that ends in a cul-de-sac and there are parcels located on either side. It is conceivable that either one of those property owners might want to acquire the parcel, after the code issue has been resolved. Perhaps it would be prudent to determine the fair market value of the property, with or without the structure. The estimated cost of demolition is unknown; however, it should be relatively low, assuming there was no significant issue with asbestos. Scott Snyder responded on December 19, 2014 stated that he was not sure if the City



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would have any use for the property in its current condition. Reach out to see if individual would be willing to contribute \$5,000 for demolition cost.

**Offer to Purchase 111 Walnut Street.** Offer to Purchase 111 Walnut Street for \$200.00, submitted by Susan Taylor on December 22, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on December 22, 2014. Jeremy will contact other neighbors to see if they are interested in the property. Please respond by 10 days.

**Adjournment.** Motion to adjourn at 12:01pm.

Moved by Frank, seconded by Shager.

**Voice vote, none opposed.**